

Remarks

Claims 1-26 were pending in the application. Claims 11, 14, 20 and 23 are herein amended. .

Rejections under 35 U.S.C. §102(e)

The Examiner has rejected claims 1, 2, 5-23 and 26 under 35 U.S.C. §102(e) as being anticipated by Aoki (US Patent 6,580,928). For the reasons set forth below, it is respectfully submitted that these claims are patentable over the applied art.

To properly establish a prime facie case of anticipation, all of the claimed elements must be found in a single prior art reference. If any of the claimed elements are not found in the reference, then a case of anticipation cannot be properly established.

Claims 1, 17, 21 and 22 each contain the language: "initiating a program mode in a controller of the handset." This element is not taught or suggested in the cited art. Aoki discloses a stand-by mode in which a user may recall a stored sequence, but does not teach or suggest initiating a programming mode to enable a user to store a sequence of inputs in memory. Rather, Aoki, in its normal operation, keeps a record of already programmed functions that the user has used in the past for retrieval. See col. 4 line 27 through col. 5 line 32. This is not the claimed step in any of the above claims. As such claims 1, 17, 21 and 22 should be allowable over Aoki.

Claims 2, 5-10, 18-19, and 23-26 should be allowable as being ultimately based upon an allowable claim. At least some of these claims should also be allowable for other reasons which are discussed hereinafter.

Claims 5, 18 and 26 should be allowable for additional reasons. Claims 5, 18 and 26 each contain a limitation relating to the use of a dedicated hot key. This is not taught or suggested by Aoki. Aoki teaches pressing the "F" key to bring up a list of previously used functions, scrolling to the desired function and then selecting the function by pressing the "#"

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key. In contrast, the claimed dedicated hot key may be used to bypass the menu. See, e.g., the specification of the present application, page 6, lines 13-14 ("the handset may comprise a dedicated "hot key" 50 to trigger the macro instead of a menu list."). Thus, claims 5 and 18 should be allowable.

Claim 7 should be allowable for additional reasons. Claim 7 contains the limitation "wherein the procedure for retrieving the sequence of inputs uses an overridden key on said keypad." This is not taught or suggested by Aoki. As discussed above with respect to claim 5, Aoki teaches the use of the "F" key to bring up a menu and the use of the "#" key to select one of the menu items. There is not a discussion of an overridden key. Claim 7 should be allowable.

Claim 9 should be allowable for additional reasons. Claim 9 contains the limitation "wherein the menu list displays the defined procedure for retrieving a macro." This is not taught or suggested by Aoki. Rather, Aoki's menu list displays the functions used in the past. Aoki does not discuss displaying a procedure for retrieving a macro. For example, Aoki does not discuss displaying to a user the fact that the user must press "F" to obtain the list of previously used functions and then scroll to the desired function and then press "#". Claim 9 should be allowable.

Amended claims 11, 14 and 20 contain the language "said controller having a programming mode..." As discussed above with respect to claim 1, a programming mode is not taught or suggested by Aoki. Claims 11, 14 and 20 should be allowable. Claims 12, 13, 15 and 16 should also be allowable as being based upon allowable claims.

Rejections under 35 U.S.C. §103(a)

The Examiner has rejected claims 3 and 24 under 35 U.S.C. §103(a) as being unpatentable over Aoki in view of Son (US Patent 6,212,408). Claims 3 and 24 are ultimately based upon claims 1 and 22, respectively. Because claims 1 and 22 are believed to be allowable, claims 3 and 24 are believed to be allowable as well.

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The Examiner has rejected claims 4 and 25 under 35 U.S.C. §103(a) as being unpatentable over Aoki in view of Reber (US Patent 6,002,946). Claims 4 and 25 are ultimately based upon claims 1 and 22, respectively. Because claims 1 and 22 are believed to be allowable, claims 4 and 25 are believed to be allowable as well.

The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 17-0026.

Respectfully,

Dated 3/8/04

By 

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